

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DAVID MEEKS §
VS. § CIVIL ACTION NO. 6:05cv390
UNITED STATES OF AMERICA §

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case.

Petitioner filed objections to the Report. This Court made a *de novo* review of Petitioner's objections and determined that they lack merit.

Petitioner David Meeks filed, pursuant to 28 U.S.C. § 2241, this application for writ of habeas corpus. The petition challenges his conviction and sentencing in the United States District Court for the Eastern District of Texas, Tyler Division, in case number 6:96cr26.

An action under § 2241 which attacks a federally imposed sentence may be considered if the petitioner establishes that the remedy under § 2255 is inadequate or ineffective. *Paden v. Guzik*, 275 F.3d 46, 46 (5th Cir. 2001); *Jeffers v. Chandler*, 253 F.3d 827, 830 (5th Cir. 2001), *cert. denied* 534 U.S. 1001. Only the court for the district in which the petitioner is incarcerated has jurisdiction to determine whether a petitioner's claims are properly brought under § 2241 via the savings clause of § 2255. *Padilla v. United States*, 416 F.3d 424, 426 (5th Cir. 2005). Petitioner currently is confined at F.C.I. Seagoville; consequently, this Court lacks jurisdiction to

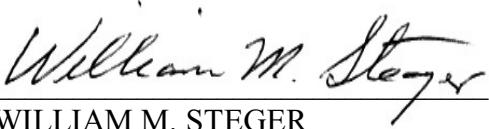
determine whether his claims are properly brought under § 2241 via the savings clause of § 2255. *See Id.*

This Court finds that the Magistrate Judge's conclusions are correct, and adopts them as the Court's conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED WITH PREJUDICE** for lack of jurisdiction and **DISMISSED WITHOUT PREJUDICE** regarding all other issues; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 25th day of January, 2006.



WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE